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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

STAR FABRICS, INC., a California  
Corporation,  
  
Plaintiff,  
  
v.  
  
HAUTELook, INC., a California  
Corporation; IDEELI, INC., a New York  
Corporation; PAUL LASRY, an individual;  
and DOES 1 through 10,  
  
Defendants.

Case No.:

**PLAINTIFF'S COMPLAINT FOR:**

**1. COPYRIGHT  
INFRINGEMENT;**

**AND**

**2. VICARIOUS AND/OR  
CONTRIBUTORY COPYRIGHT  
INFRINGEMENT.**

**Jury Trial Demanded**

Plaintiff, Star Fabrics, Inc., by and through its undersigned attorneys, hereby  
prays to this honorable Court for relief based on the following:

**JURISDICTION AND VENUE**

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
*et seq.*

2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

## PARTIES

4. Plaintiff STAR FABRICS, INC. (“Plaintiff”) is a corporation organized and existing under the laws of the State of California with its principal place of business located in the Los Angeles County.

5. Plaintiff is informed and believes and thereon alleges that Defendant HAUTELook, INC. (“HAUTELook”) is a California corporation organized and existing under the laws of the state of California with its principal place of business located at 1212 S. Flower Street, Suite 300, Los Angeles, California 90015.

6. Plaintiff is informed and believes and thereon alleges that Defendant IDEELI, INC. (“IDEELI”) is a New York Corporation with its principal place of business located at 620 Eighth Avenue, 45<sup>th</sup> Floor New York New York 10018, and doing business in and with the state of California.

7. Plaintiff is informed and believes and thereon alleges that Defendant PAUL LASRY (“LASRY”) is an individual residing and doing business in the state of California at 1668 Rising Glen Road, Los Angeles, California 90069.

8. Plaintiff is informed and believes and thereon alleges that Defendants DOES 1 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their

1 true names and capacities when same have been ascertained.

2 9. Plaintiff is informed and believes and thereon alleges that at all times  
3 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
4 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
5 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
6 and/or employment; and actively participated in or subsequently ratified and  
7 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
8 all the facts and circumstances, including, but not limited to, full knowledge of each  
9 and every violation of Plaintiff's rights and the damages to Plaintiff proximately  
10 caused thereby.

11 **CLAIMS RELATED TO DESIGN NO. 62278**

12 10. Plaintiff owns an original two-dimensional artwork used for purposes of  
13 textile printing entitled 62278 ("Subject Design A").

14 11. Plaintiff applied for and received a United States Copyright Registration  
15 for Subject Design A.

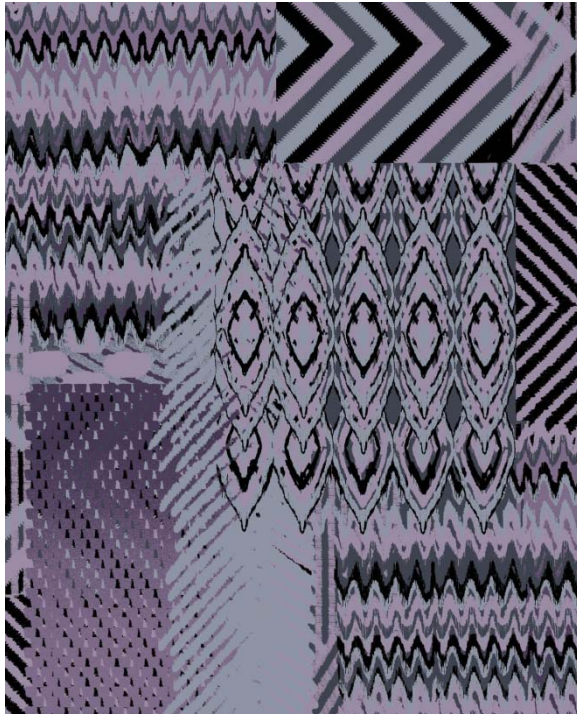
16 12. Prior to the acts complained of herein, Plaintiff sampled and sold fabric  
17 bearing Subject Design A to numerous parties in the fashion and apparel industries.

18 13. Plaintiff is informed and believes and thereon alleges that following this  
19 distribution of product bearing Subject Design A, HAUTELook, LASRY, and  
20 DOE Defendants, and each of them, created, manufactured, caused to be  
21 manufactured, imported, distributed, and/or sold fabric and/or garments comprised  
22 of fabric featuring a design which is substantially similar to Subject Design A  
23 ("Subject Product A") without Plaintiff's authorization, including but not limited to  
24 garments sold by HAUTELook under SKU 8-82641-06116-5 and bearing the label  
25 "Dex" and RN 84896, which indicates that the garments were manufactured or  
26 imported by LASRY.

27 14. An image of Subject Design A and an exemplar of Subject Product A are  
28

set forth hereinbelow:

**Subject Design A**



**Subject Product A**



**CLAIMS RELATED TO DESIGN NO. 62453**

15. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing entitled 62453 (“Subject Design B”).

16. Plaintiff applied for and received a United States Copyright Registration for Subject Design B.

17. Prior to the acts complained of herein, Plaintiff sampled and sold fabric bearing Subject Design B to numerous parties in the fashion and apparel industries.

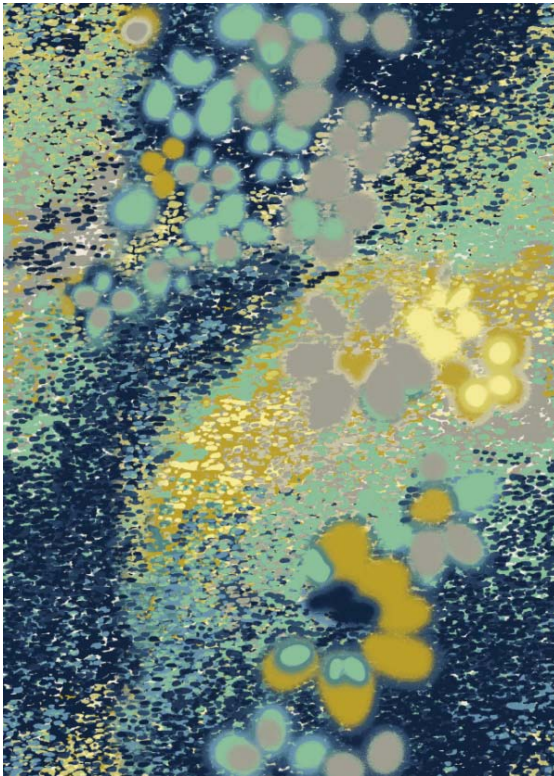
18. Plaintiff is informed and believes and thereon alleges that following this distribution of product bearing Subject Design B, IDEELI, LASRY, and DOE Defendants, and each of them, created, manufactured, caused to be manufactured, imported, distributed, and/or sold fabric and/or garments comprised of fabric featuring a design which is substantially similar, to Subject Design B (“Subject



Product B”) without Plaintiff’s authorization, including but not limited to the “Floral Print Dress” sold by IDEELI bearing the label “Dex” and RN 84896, which indicates that the garments were manufactured or imported by LASRY.

19. An image of Subject Design B and an exemplar of Subject Product B are set forth hereinbelow:

**Subject Design B**



**Subject Product B**



**FIRST CLAIM FOR RELIEF**

(For Copyright Infringement - Against All Defendants, and Each)

20. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the foregoing paragraphs.

21. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Design A and Subject Design B (hereinafter “Subject Designs”) including, without limitation, through (a) access to Plaintiff’s showroom and/or design library; (b) access to illegally distributed copies of Subject

1 Designs by third-party vendors and/or DOE Defendants, including without limitation  
2 international and/or overseas converters and printing mills; (c) access to Plaintiff's  
3 strike-offs and samples, and (d) access to garments in the marketplace manufactured  
4 with lawfully printed fabric bearing Subject Designs.

5 22. Plaintiff is informed and believes and thereon alleges that one or more of  
6 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is  
7 further informed and believes and thereon alleges that said Defendant(s), and each of  
8 them, has an ongoing business relationship with Defendant retailers, and each of  
9 them, and supplied garments to said retailers, which garments infringed Subject  
10 Designs in that said garments were composed of fabric which featured unauthorized  
11 print designs that were identical or substantially similar to Subject Designs, or were  
12 an illegal modification thereof.

13 23. Plaintiff is informed and believes and thereon alleges that Defendants, and  
14 each of them, infringed Plaintiff's copyright by creating, making and/or developing  
15 directly infringing and/or derivative works from Subject Designs and by producing,  
16 distributing and/or selling Subject Product A or Subject Product B through a  
17 nationwide network of retail stores, catalogues, and through on-line websites.

18 24. Due to Defendants', and each of their, acts of infringement, Plaintiff has  
19 suffered damages in an amount to be established at trial.

20 25. Due to Defendants', and each of their, acts of copyright infringement as  
21 alleged herein, Defendants, and each of them, have obtained profits they would not  
22 otherwise have realized but for their infringement of Subject Designs. As such,  
23 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits  
24 attributable to the infringement of Subject Designs in an amount to be established at  
25 trial.

26 26. Plaintiff is informed and believes and thereon alleges that Defendants, and  
27 each of them, have committed copyright infringement with actual or constructive  
28

1 knowledge of Plaintiff's rights such that said acts of copyright infringement were,  
2 and continue to be, willful, intentional and malicious.

3 **SECOND CLAIM FOR RELIEF**

4 (For Vicarious and/or Contributory Copyright Infringement –  
5 Against All Defendants, and Each)

6 27. Plaintiff repeats, realleges and incorporates herein by reference as though  
7 fully set forth the allegations contained in the foregoing paragraphs.

8 28. Plaintiff is informed and believes and thereon alleges that Defendants, and  
9 each of them, knowingly induced, participated in, aided and abetted in and profited  
10 from the illegal reproduction and/or subsequent sales of garments featuring Subject  
11 Designs as alleged herein.

12 29. Plaintiff is informed and believes and thereon alleges that Defendants, and  
13 each of them, are vicariously liable for the infringement alleged herein because they  
14 had the right and ability to supervise the infringing conduct and because they had a  
15 direct financial interest in the infringing conduct.

16 30. By reason of the Defendants', and each of their, acts of copyright  
17 infringement as alleged above, Plaintiff has suffered and will continue to suffer  
18 damages in an amount to be established at trial.

19 31. Due to Defendants', and each of their, acts of copyright infringement as  
20 alleged herein, Defendants, and each of them, have obtained profits they would not  
21 otherwise have realized but for their infringement of Subject Designs. As such,  
22 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits  
23 attributable to Defendants' infringement of Subject Designs, in an amount to be  
24 established at trial.

25 32. Plaintiff is informed and believes and thereon alleges that Defendants, and  
26 each of them, have committed copyright infringement with actual or constructive  
27 knowledge of Plaintiff's rights such that said acts of copyright infringement were,  
28

1 and continue to be, willful, intentional and malicious.

2 **PRAYER FOR RELIEF**

3 Wherefore, Plaintiff prays for judgment as follows:

- 4 a. That Defendants—each of them—and their respective agents and  
5 servants be enjoined from importing, manufacturing, distributing,  
6 offering for sale, selling or otherwise trafficking in any product that  
7 infringes Plaintiff’s copyrights in Subject Designs;
- 8 b. That Plaintiff be awarded all profits of Defendants, and each of them,  
9 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,  
10 or, if elected before final judgment, statutory damages as available under  
11 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 12 c. That Plaintiff be awarded its attorneys’ fees as available under the  
13 Copyright Act U.S.C. § 101 et seq.;
- 14 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 15 e. That Plaintiff be awarded the costs of this action; and
- 16 f. That Plaintiff be awarded such further legal and equitable relief as the  
17 Court deems proper.

18 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.  
19 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

20  
21 Dated: April 24, 2014

DONIGER/BURROUGHS

22  
23 By: /s/ Stephen M. Doniger  
24 Stephen M. Doniger, Esq.  
25 Annie Abouljian, Esq.  
26 Attorneys for Plaintiff  
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